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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,997	10/26/2001	Kevin Lauren Cote	600.1178	3643

7590 01/21/2004  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
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EXAMINER

WINDMULLER, JOHN

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/035,997

Applicant(s)

COTE ET AL.

Examiner

John Windmuller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Applicant's election of claims 1-11 without traverse in Paper 6 is noted.

### ***Claim Objections***

2. Claim 8 is objected to because of the following informalities: The phrase "the at least one continuous belt" lacks sufficient antecedent basis. Examiner suggests that Applicant change the dependency from claim 5 to claim 7. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bryson et al. The device of Bryson et al. discloses the invention as claimed including a transfer element (Fig. 20, 162, 203) to grip and move the sheet material article onto a side table (Figs. 1, 25, item 91), a driver to move the transfer element at a same speed as the side table (col. 17, lines 5-20, especially lines 7-8) during a first time period.

Regarding claim 2, the driver is configured to move the sheet material to a predetermined position relative to the side table before moving the transfer element at the same speed as the side table (col. 17, lines 5-20, especially lines 5-7).

Regarding claim 3, side clamps of the side table grip the sheet material article (col. 17, lines 5-20, especially lines 7- 11; also col. 17, lines 21-25).

Regarding claim 4, the side trimming operation is performed during at least a portion of the first time period (col. 17, lines 21-30).

Regarding claim 5, the driver is configured to move the transfer element at a same speed as a front table of the sheet material article trimmer when the transfer element grips the sheet material article and a front clamp of the sheet material trimmer grips the sheet material article (see col. 16, lines 31-61).

Regarding claims 7-9, the transfer element includes at least one continuous belt including an upper belt and a lower belt (Fig. 20, 162, 203) and a shuttle mechanism (Fig. 6, 73).

Regarding claim 10, the driver includes an epicycle gear unit (Fig. 6, 62) including a constant speed input member (61) and a variable speed input member (64) to vary the speed of the transfer element (claim 1, d, e).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bryson et al. The device of Bryson et al. discloses the invention as claimed as discussed above, including a receiving conveyor (col. 17, lines 29-35) but does not teach a driver configured to move the transfer element at a same speed as a receiving conveyor to move the sheet material article from the side table onto the receiving conveyor. However, Bryson et al. does teach a driver configured to move the transfer element at a same speed as a front table and to move the transfer element at a same speed as the side table (see paragraph 4 above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the driver to move the transfer element at a same speed as a receiving conveyor just as the driver is configured to move the transfer element at a same speed as a front table and to move the transfer element at a same speed as the side table to prevent damage to the workpiece.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bryson et al. in view of Byrt et al. The device of Bryson et al. discloses the invention as claimed except a servo motor to vary the speed of the transfer element. However, Byrt et al. teaches a servo motor to vary the speed of a transfer element (col. 2, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to provide the device of Bryson et al. with a servo motor to vary the speed of the transfer element as taught by Byrt et al. to adjust the rate of workpiece production.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cote et al. (claim 8, servo), Reinders (col. 4, lines 6-11, conveyors at same speed), Faltin (col. 12, lines 20-36, conveyors at same speed), Marks (col. 6, lines 40-53, conveyors at same speed), Littell, Choate et al. (claim 3, conveyors at same speed), Bryson et al., Heidorn, Lüthi et al. (col. 1, lines 15-23, conveyors at same speed), Boss, Curley, Ruetschle et al., Kleineberg, .

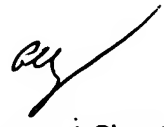
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Windmuller whose telephone number is 703 305-4988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703 308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-1148.



JW



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